**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**CRIMINAL REVISION APPLICATION No. 397 of 1998**

**For Approval and Signature:**

**HONOURABLE MR.JUSTICE D.H.WAGHELA**

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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**STATE OF GUJARAT - Applicant(s)**
**Versus**
**NATVARLAL MATHURBHAI PATEL & 1 - Respondent(s)**

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**Appearance :**
MR.SS PATEL APP for Applicant(s) : 1,
RULE SERVED for Respondent(s) : 1 - 2.
MR DK MODI for Respondent(s) : 1 - 2.
MR MD MODI for Respondent(s) : 1 - 2.

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**CORAM : HONOURABLE MR.JUSTICE D.H.WAGHELA**

**Date : 21/12/2006**

**ORAL JUDGMENT**

1. The State has approached this Court under Section 397 of the Code of Criminal Procedure for quashing the order dated 07.04.1998 below

applications Ex.5 and 8 of learned J.M.F.C., Gandhinagar in Criminal Case No.1185 of 1998 whereby the respondents, original accused, were discharged by quashing the summons issued under the provisions of Section 204 of the Code. That impugned order was based upon the interpretation put upon Rule 32(E) by the Hon'ble Supreme Court in the case of **Dwarkanath and others V/s. Municipal Corporation of Delhi [1971 SCC (Criminal) 514]** which was followed by the Punjab and Haryana High Court in the case of **Goodricke Group Ltd. V/s. State of Punjab and others [1997 (III) FAJ 126]**.

2. It was fairly conceded by learned counsel Mr.Modi, appearing for the opponents, that the relevant Rule 32(E) of the Prevention of Food Adulteration Rules, 1955 was subsequently amended in the year 1989 and the alleged offences having been committed in the year 1995, the amended Rules applied in the facts of the case. It was further conceded that the decisions of this Court

dated 10.08.2000 in Criminal Revision Application No.34 of 2000 and dated 05.10.2000 in Criminal Revision Application No.108 of 1998 squarely covered the issue of applicability of the amended Rules. Therefore, in short, the petition was required to be allowed and accordingly, it is allowed in terms of paragraph 8(b). Rule is made absolute with no order as to costs.

(D.H.WAGHELA, J.)

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